

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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Ursula Y. Lawson McIntosh, et. al.,  
Plaintiffs

vs

Case No. 1:09-cv-274-SAS-TSH  
(Spiegel, Sr. J.; Hogan, M. J.)

Butler County Children's Services  
Board, et. al.,  
Defendants

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**REPORT AND RECOMMENDATION**

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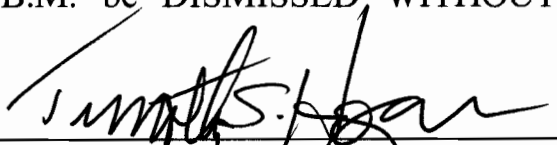
On March 24, 2010, this Court issued a Report and Recommendation that Defendants' motion for judgment on the pleadings be granted in part and denied in part. (Doc. 30). This Court's Report and Recommendation noted that:

Although 28 U.S.C. § 1654 provides that in "[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel," the statute does not permit plaintiffs to appear pro se where interests other than their own are at stake. *Shepherd v. Wellman*, 313 F.3d 963, 970 (6<sup>th</sup> Cir. 2002); *Crawford*, 2007 WL 2772740 at \*3; *Gonzales v. Wyatt*, 157 F.3d 1016, 1021 (5<sup>th</sup> Cir. 1998). "Consequently, in a civil rights action, parents cannot appear pro se on behalf of their minor children because a minor's cause of action is her own and does not belong to her parent or representative." *Crawford*, 2007 WL 2772740 at \*3 (quoting *Shepherd*, 313 F.3d at 970)(internal quotations omitted). Accordingly, neither plaintiff Ursula Lawson McIntosh, nor plaintiffs Thomas or Linda Lawson may represent the minor children named as parties plaintiff in this action. *Id.*

(Doc. 30, p. 12). The Court provisionally granted plaintiffs' motion for assistance in obtaining counsel, and referred the case to the VLP, noting that, "[i]f the VLP is unable to secure representation, the Court will recommend that the claims asserted on behalf of plaintiffs N.M., H.M. and B.M. be dismissed without prejudice. *See Crawford*, 2007 WL 2772740 at \*3." (Id., pp. 12, 14).

The Court has received correspondence from the VLP indicating that they are unable to refer plaintiffs to an attorney. (Doc. 37).

Accordingly, IT IS HEREBY RECOMMENDED THAT the motion to appoint counsel for plaintiffs N.M., H.M. and B.M. be DENIED and that the claims asserted on behalf of plaintiffs N.M., H.M. and B.M. be DISMISSED, WITHOUT PREJUDICE.



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Timothy S. Hogan  
United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING THE FILING OF  
OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), within fourteen (14) days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

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| <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.<br><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.<br><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. |  | A. Signature<br><input checked="" type="checkbox"/> Agent<br><input type="checkbox"/> Addressee  |  |
| 1. Article Addressed to:<br><b>Ursula Y Lawson McIntosh</b><br><b>PO Box 421148</b><br><b>Middletown, OH 45044</b>  |  | B. Received by (Printed Name)<br>C. Date of Delivery   |  |
| 2. Article Number<br>(Transfer from service label)<br><b>7002 3150 0000 8389 8206</b>   |  | D. Is delivery address different from item 1?<br>If YES, enter delivery address below:<br><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No  |  |
| PS Form 3811, August 2001   |  | 3. Service Type<br><input checked="" type="checkbox"/> Certified Mail<br><input type="checkbox"/> Registered<br><input type="checkbox"/> Insured Mail<br><input type="checkbox"/> Express Mail<br><input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> C.O.D. |  |
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| 1. Article Addressed to:<br><b>Thomas C.W. Lawson Sr.</b><br><b>Linda S. Lawson</b><br><b>610 14th Ave</b><br><b>Middletown, OH 45044</b>   |  | B. Received by (Printed Name)<br>C. Date of Delivery   |  |
| 2. Article Number<br>(Transfer from service label)<br><b>7002 3150 0000 8389 8213</b>   |  | D. Is delivery address different from item 1?<br>If YES, enter delivery address below:<br><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No  |  |
| PS Form 3811, August 2001   |  | 3. Service Type<br><input checked="" type="checkbox"/> Certified Mail<br><input type="checkbox"/> Registered<br><input type="checkbox"/> Insured Mail<br><input type="checkbox"/> Express Mail<br><input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> C.O.D. |  |
| Domestic Return Receipt   |  | 4. Restricted Delivery? (Extra Fee)<br><input type="checkbox"/> Yes  |  |